

DANIEL STRAW.

JULY 5, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 2274.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2274) to remove the charge of desertion from the military record of Daniel Straw, respectfully report:

Daniel Straw enlisted October 23, 1861, in Company F, Twenty-sixth Regiment Massachusetts Volunteers, and was discharged January 5, 1864, at Franklin, La., and reenlisted the same day in the field. Mr. Straw was a faithful and brave soldier, and performed every duty required of him.

His captain, Thomas H. Annable, and Lieut. George E. Yarrington both testify to his good conduct and soldierly bearing in every respect, and to injuries and disabilities incurred while in the service and in the line of duty. Their statements are on file in the Pension Bureau, from which we quote. Captain Annable says:

The said Daniel Straw, while in the line of his duty at or near Fort St. Philip, in the State of Louisiana, did, on or about the 30th day of April, 1862, become disabled in the following manner, viz: He, with others, was employed to haul loaded boats by hand through the bayous in the rear of said fort. This duty was performed at night. While so employed the said Daniel Straw was injured in the back and kidneys. The facts are personally known to the affiant by reason of his being in command of the force at the time said claimant contracted his disability. The said injury resulted in the said Straw's being wholly unfit for any duty whatever for a long time. Afterward, while at Fort Jackson or St. Philip, the said Straw was attacked with chills and fever and he was sent to the hospital in New Orleans.

We quote from the testimony of Lieut. George E. Yarrington, on file in the Pension Bureau, as follows:

Daniel Straw became disabled in the following manner: Gen. B. F. Butler having failed to pass Forts Jackson and St. Philip, by the river, ordered the Twenty-sixth Regiment Massachusetts Volunteers to proceed by rear of Fort St. Philip, where they were landed by small boats and proceeded to force their way through the swamps for some miles to a point on the Mississippi River above the forts. This march was through water which reached to the men's shoulders and often immersed them. Among the latter was Straw, who at the time was taken sick and so continued for many weeks with chills and fever, and continued in delicate health while he remained with the regiment. The facts stated are personally known by reason of the fact that he was present at the time and had charge as second lieutenant of that portion of the company in which said Straw was detailed. I ordered him to be taken to the hospital at Quarantine Station, and later to Fort Jackson, and later to New Orleans, La.

Mr. Straw partially recovered and was ambitious to continue in the service; his officers desired him to do so and he reenlisted, as before

stated, in the field. After some months of duty he was again stricken down with chills and fever, and troubled with his back and kidneys; was very sick and in New Orleans for treatment. While there, in a weak and feeble condition, his regiment was ordered to Virginia; he was unable to go with it; this was in July, 1864. He remained there unable to do any duty, with but little improvement. He was entirely unfit to do any duty, and by the aid of friends who assisted him in his forlorn condition, he was enabled to get to his home in Candia, N. H. He was a physical wreck, unable to perform any labor or care for himself; was attended by one and sometimes two physicians for years, and has never recovered his health so as to be able to perform any laborious work to the present time.

August 12, 1882, Mr. Straw filed an application for a pension, and set forth all the facts in his case, how he came to be borne on the roll as a deserter, and narrates with particularity his injury contracted in the service, and his condition from the time he went to the hospital to the time he made application for a pension. His testimony is corroborated by the physicians who attended him from the time he reached his home, his neighbors, and townspeople, who assisted and cared for him during those years. July 19, 1889, his pension was granted, to date from time of application, August 12, 1882. Mr. Straw drew his pension until June 20, 1893, when his name was dropped from the roll, the then commissioner placing a different construction upon the law from that given it by the commissioner when his pension was granted.

To the fact that Mr. Straw when he reached his home was a very feeble and sick man, that for years thereafter he was constantly under the care of physicians, unable to help himself and was cared for by neighbors and friends and the people of the town, who have for him the greatest respect, is testified to by the physicians who attended him and the leading citizens of the town of Candia to such an extent that if printed the evidence on file in the War Department and Pension Bureau would make a small volume. It is conclusive, overwhelming, and removes every doubt. It was a physical impossibility for this man to remain with his regiment or be present when it was discharged, by reason of disabilities contracted in the service and line of duty. His comrades made him a member of the G. A. R. Post No. 79, Candia, N. H., to which he now belongs. Mr. Straw is now in feeble health and must continue in that condition for the few years of life that may be before him. He is possessed of no property worth mentioning.

Your committee are of the opinion that justice demands that this old soldier who gave nearly four years of the best of his life to the service of his country, lost his health and has been a great sufferer for more than thirty-three years, should have the charge of desertion standing against his name removed, and therefore most earnestly recommend the passage of the bill with the following amendments:

In line 5 strike out the word "Twenty-fifth" and insert the word "Twenty-sixth," so that when amended it shall read "Company F, Twenty-sixth Regiment Massachusetts Volunteers."

Add the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Also, amend the title so as to read: "A bill to remove the charge of desertion from the military record of Daniel Straw, late private, Company F, Twenty-sixth Massachusetts Volunteers."